

YEAS—24.

Atlee,	Kearby,
Burney,	Lubbock,
Clark,	Mott,
Clemens,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Glasscock,	Seale,
Garwood,	Simkins,
Harrison,	Tyler,
Ingram,	Townsend,
Johnson,	Weisiger.

NAYS—3.

Frank,	Searcy,
Kimbrough,	

Bill read third time and passed.

Senator Page moved to reconsider the motion by which the bill was passed and to lay that motion on the table.

The motion to table was adopted.

On motion of Senator Townsend the Senate stood adjourned until tomorrow morning at 10 o'clock.

SIXTH DAY.

SENATE CHAMBER,
Twenty-Second Legislature,
Austin, Saturday, March 19 1892.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

No quorum present.

The following Senators answering to their names:

PRESENT—20.

Atlee,	Kimbrough,
Clark,	Lubbock,
Clemens,	Mott,
Crane,	O'Neal,
	Potter,
Finch,	Page,
Frank,	Seale,
Ingram,	Searcy,
Johnson,	Simkins,
Kearby,	Tyler.

ABSENT—9.

Burney,	Pope,
Carter,	Sims,
Glasscock,	Townsend,
Garwood,	Weisiger.
Harrison,	

On motion of Senator Cranford a call of the Senate was ordered.

Second roll call developed the following Senators present:

PRESENT—23.

Atlee,	Lubbock,
Burney,	Mott,
Clark,	O'Neal.
Clemens,	Potter,
Crane,	Page,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Ingram,	Sims,
Johnson,	Tyler.
Kearby,	Townsend.
Kimbrough,	

ABSENT—6.

Carter,	Harrison,
Glasscock,	Pope,
Garwood,	Weisiger.

Quorum being now present, on motion of Senator Cranford, the call was suspended.

Prayer by the Chaplain, Dr. Smoot,

Pending reading of the Journal, on motion of Senator Seale the further reading of the same was dispensed with.

On motion of Senator Finch Senator Glasscock was excused for today on account of important business.

On motion of Senator Johnson Senator Garwood was excused today for like cause.

On motion of Senator Lubbock Senator Harrison was also excused for today for like cause.

The following report was handed in from committee:

COMMITTEE ROOM,
Austin, March 18, 1892.

Hon. Geo. C. Pendleton, President of the Senate.

Sir—Your committee on engrossed bills have carefully examined and compared.

Senate bill No. 1, being "An act to empower the State Board of Education to procure for use in the public

free schools of the State of Texas a series of text books defining the duties of certain officers therein named, with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency."

And find the same correctly engrossed.

Simkins, Acting Chairman.

On motion of Senator Seale the Journal of yesterday was corrected to show he voted aye instead of no on the suspension of rules upon the final passage of Senate bill No. 1.

The morning call having ended Senator Tyler moved to take up out of its regular order Senate bill No. 4.

Adopted.

Senate bill No. 4, entitled "An act to amend section 2 (a) of chapter 116, acts of the Twenty-second Legislature, entitled 'an act to provide for the issuance of certificates to teachers in the public schools of Texas, and prescribing their duties as such.'"

(On second reading).

It was read second time with favorable committee report.

Senator Tyler moved that House bill No. 16, on the same subject be substituted for this bill, when it appeared that House bill No. 16 had not been reported from committee.

Senate bill No. 4 was ordered engrossed.

Senator Atlee moved that Senate bill No. 11 entitled, "An act to amend articles 2974, 2978 and 2979, of title 54, revised civil statutes of the State of Texas, be taken up out of its regular order and considered.

Adopted.

Bill read second time with a favorable committee report.

Senator Atlee offered the following amendment:

Amend the bill by adding thereto the following section:

Section 2. Any person, corporation or association of persons who shall knowingly, either directly or indirectly, take, receive, reserve or charge a rate of interest greater than the maximum rate of conventional interest allowed by law shall be deemed guilty of usury; and, upon conviction thereof, shall be fined in a sum of money equal to twice the amount of the interest received. All fines col-

lected under this act shall be paid into the road and bridge fund of the county in which the same are collected.

A judgment in a civil action, rendered upon the merits under section one of this act may be pleaded in bar of a prosecution under section two, and a judgment of conviction or acquittal of the offense of usury may be pleaded in bar of the civil action.

Senator Townsend offered the following amendment to the amendment,

Amend by striking out all that part of the amendment after the word "collected" therein.

(Senator Potter in the chair).

Question being on the adoption of Senator Townsend's amendment, It was lost by the following vote:

YEAS—5.

Clemens,
Finch,
Kearby,

O'Neal,
Townsend.

NAYS—17.

Atlee,
Burney,
Clark,
Crane,
Carter,
Cranford,
Frank,
Ingram,
Kimbrough,

Lubbock,
Mott,
Potter.
Page,
Seale,
Searcy,
Sims,
Tyler.

The following message was received from the House:

House of Representatives,
Twenty-Second Legislature,
Austin, March 19, 1892.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform your honorable body of the passage of the following concurrent resolution:

Resolution instructing our senators and requesting our representatives in congress to favor the passage of a bill for the free and unlimited coinage of silver at this session of congress.

Respectfully, Geo. W. Finger,
Chief Clerk House of Representatives.

Senator Sims offered the following amendment to the pending bill:

Amend amendment by adding after

the word "charge" as follows:

"Or who shall make any contract or be a party to any contract for."

Lost.

The amendment of Senator Atlee was adopted by the following vote:

YEAS—17.

Atlee,	Kearby,
Burney,	Lubbock,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Johnson,	

NAYS—7.

Frank,	Sims,
Ingram,	Tyler,
Kimbrough,	Townsend,
Searcy,	

Senator Atlee offered the following amendment:

Amend section 2 of the bill by striking out lines 1 and 2 to and including word "repealed" and insert

Section 3. That all laws and parts of laws in conflict herewith, and particularly chapter 18 of the general laws, passed by the last session of the Legislature, being an act entitled an act to define and punish usury, be and the same are hereby repealed.

Adopted.

Senator Atlee offered the following amendment:

Amend the caption of the bill by adding the following:

"And to define the offense of usury and to provide a penalty thereof" and to repeal chapter 18 of the general laws of the regular session of the Twenty-second Legislature.

Adopted.

Senator Kearby offered the following amendment:

Amend by adding the following;

Section —. It is hereby made the duty of each district judge in this State to specially give this statute in charge to the grand jury at each term of his court.

Adopted.

Senator Sims offered the following amendment:

Amend by striking out the word "twice" in line 18, page 1, article 2979, section one.

Lost.

Bill was ordered engrossed.

Senator Page called up the House concurrent resolution received from the House this morning, which reads as follows:

Resolved by the House of Representatives, the Senate concurring, That our Senators in the United States Congress be instructed to vote for, and to use their best efforts to secure the passage of a bill for the free and unlimited coinage of silver at this session of Congress, and that our Representatives in the lower House of Congress are requested to vote for the same and to use all their influence and ability to secure its passage when it comes up on the 22nd instant.

After debate Senator Searcy offered the following substitute:

Resolved by the Senate, the House of Representatives concurring, That we regard the reduction of the tariff as the paramount issue before the American people, and that we also favor the free and unlimited coinage of silver, and our Senators are instructed and our representatives in congress are requested to vote in accordance herewith.

Adopted by the following vote:

YEAS—13.

Crane,	Pope,
Carter,	Seale,
Ingram,	Searcy,
Johnson,	Sims,
Mott,	Tyler,
Potter,	Townsend,
Page,	

NAYS—10.

Atlee,	Frank,
Burney,	Kearby,
Clark,	Kimbrough,
Cranford,	Lubbock,
Finch,	O'Neal,

Senator Atlee offered the following amendment to the resolution as substituted:

Resolved, That the paramount issues before this Legislature are the apportionment of the state and other proper state legislation, and not what policy the United States Congress should pursue.

Senator Cranford offered the following amendment to Atlee's amendment:

"Strike out apportionment" and insert "mileage and per diem."

Senator Carter made point of order that the amendments were not ge-

main to the subject and out of order.

Sustained by the chair.

Senator O'Neal asked that the propositions in the resolution be divided and a separate vote taken upon each.

The chair ruled that the resolution could not be divided.

Senator O'Neal offered the following amendment:

"Amend by striking out the first section of the resolution, which announces the proposition that the tariff is a paramount issue before the country.

Which was lost by the following vote:

YEAS—7.

Burney,	Finch,
Clark,	Kearby,
Clemens,	O'Neal.
Cranford,	

NAYS—17.

Atlee,	Potter,
Carter,	Page,
Crane,	Pope,
Frank,	Seale,
Ingram,	Searcy,
Johnson,	Sims,
Kimbrough,	Tyler,
Lubbock,	Townsend.
Mott,	

I vote aye on the motion to strike out for the reason that I favored the adoption of the resolution as received from the House, without amendment or change and did not desire to break the force of the original purpose of the resolution that was restricted to the question of silver alone by injecting into it the question of tariff.

Finch.

Senator Burney offered the following amendment:

"Amend by adding 'And especially to vote and use every endeavor to pass the silver bill to come up on the 22d inst.'"

Senator Tyler moved to lay the amendment on the table.

Senator Johnson made the point of order that the same matter had been voted on once in the original resolution and rejected, and could not be brought up again in the shape of an amendment to insert, but could only be reached by reconsideration of the first vote.

Overruled by the chair.

Question being on the motion of

Senator Tyler to table the amendment of Senator Burney, the motion prevailed by the following vote:

YEAS—15.

Atlee,	Potter,
Clemens,	Pope,
Crane,	Seale,
Carter,	Searcy,
Ingram,	Sims,
Johnson,	Tyler,
Lubbock,	Townsend.
Mott,	

NAYS—9.

Burney,	Kearby,
Clark,	Kimbrough.
Cranford,	O'Neal,
Finch,	Page.
Frank,	

Question being on the adoption of the resolution as substituted, it was adopted by the following vote:

YEAS—17.

Atlee,	Potter,
Burney,	Page,
Clemens,	Pope,
Crane,	Seale,
Carter,	Searcy,
Finch,	Sims,
Frank,	Tyler,
Ingram,	Townsend
Kimbrough,	

NAYS—7.

Clark,	Lubbock,
Cranford,	Mott,
Johnson,	O'Neal,
Kearby,	

AUSTIN, Texas, March 19, 1892.

I vote aye on the passage of the above resolution. I do so because I think the people of my district favor the free coinage of silver, but I am of the opinion that the matter has not been thoroughly discussed nor fully understood. I believe further that to make free coinage so prominent as a party measure will seriously jeopardize our party in national politics.

A. M. Carter.

I vote no, for the reason that I believe the free and unlimited coinage of silver to be of equal importance to the people with tariff reform, and am unwilling by my vote to in any way subordinate the silver to the tariff issue.

Clark.

Believing that the tariff is the paramount issue before the people, and one that is calculated to insure Democratic success in the next presidential election, and that it is injudicious to complicate this great issue with the silver question, we voted no on the final passage of the joint resolution.

Mott,
Lubbock.

I vote no on this resolution because it seeks to make tariff reform paramount to the free coinage of silver. While I favor tariff reform and regard it as a settled policy of the Democratic party, I do not wish to appear by my vote to favor the sidetracking or relegating to the future or to hold in the background any measure, principle or policy that the people of my State favor. I believe the people of Texas are as near a unit in their demand for the free and unlimited coinage of silver as it is possible for a people to be upon any great national question. The Democratic party of Texas in its San Antonio platform declared in unmistakable terms in favor of free and unlimited coinage of silver, now I favored that platform then, and I favor now. I was elected to this Senate upon the principles enunciated herein, and I shall not stultify myself, nor misrepresent my constituents by supporting a resolution which in my judgment will have the effect to make free coinage of silver second to any issue before our national Legislature, whether legislation upon free coinage of silver should be had at the present session of Congress is an issue, and I felt that it was but right and proper that the concurrent joint resolution passed by the House of Representatives this morning instructing our Senators and Representatives in Congress to vote for, and use their influence to procure legislation upon the silver question and to pass a law at this session of Congress providing for the free and unlimited coinage of silver should have been adopted, but that having been substituted and the reverse of the sentiment contained herein, being embodied in this substitute. I feel constrained on principle to cast my vote against the adoption of the substitute.

Kearby.

I vote no, and give as my reason for my vote, that while I am in favor of the free and unlimited coinage of silver, and the reduction of the tariff, I

do not believe that the tariff is the paramount issue before the country.

H. F. O'Neal.

I voted for the substitute resolution as a whole, in preference to the resolution from the house, but do not wish to be understood as advocating, particularly the bills or measures before congress concerning free coinage of silver.

H. T. Sims.

I was absent on committee work and was unable to vote on the resolution. Had I been present would have voted for the House resolution. Simkins.

Senator Townsend moved to reconsider the vote on which the resolution passed and that this motion be laid upon the table.

The motion to table prevailed.

Regular order:

Senate bill No. 2, entitled "An act to amend section 1 of an act entitled 'An act to amend article 2899 of the revised civil statutes of the State of Texas, in relation to the recovery of damage for injuries resulting in death.'" Approved March 25, 1887.

On second reading.

Was read with favorable committee report.

Senator Pope offered the following amendment:

Amend by adding after the word "receiver," in line 9 and section 1, "or other persons operating a line of railway in whatever capacity."

Adopted.

The bill was ordered engrossed.

Senator Pope moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Ingram,	Sims,
Johnson,	Townsend.
Kearby,	

Bill was read third time and passed by the following vote:

YEAH—31.

Allen,	Lubbock,
Clark,	Mott,
Clemens,	O'Neal,
Cross,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Ingram,	Sims,
Johnson,	Tyler,
Kearby,	Townsend,
Kimbrough,	

On motion of Senator Townsend the Senate adjourned until Monday morning at 10 o'clock.

SEVENTH DAY.

SENATE CHAMBER.
TWENTY-SECOND LEGISLATURE,
Austin, Monday, March 31, 1892.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—31.

Barney,	Lubbock,
Clark,	McKinney,
Clemens,	Mott,
Cross,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy,
Harrison,	Sinkins,
Ingram,	Sims,
Johnson,	Tyler,
Kearby,	Townsend,
Kimbrough,	Weisiger,

ABSENT—3.

Allen, Garwood,

Prayer by the Chaplain Dr. Smoot.

Pending the reading of the Journal, on motion of Senator Cranford, the further reading of the same was dispensed with.

On motion of Senator Lubbock, Senator Weisiger was excused on Saturday on account of sickness.

On motion of Senator Searcy, Senator Garwood was excused for today on account of important business.

On motion of Senator Finch the secretary of the Senate, Mr. Kennedy, was excused to-day on account of important business.

Senator Cranford moved to correct the Journals to show that Mr. R. W. Holbrook had been appointed clerk of the committee on Apportionment on Monday instead of on Wednesday.

PETITIONS AND MEMORIALS.

By Senator Frank

Memorial asking congress to make an appropriation for building a break-water and harbor of refuge in the Bight of Canaveral.

Read first time and referred to committee on Commerce and Manufacturing.

On motion of Senator Tyler Committee Clerk Feagle was excused for non-attendance on Thursday, Friday and Saturday last on account of sickness.

BILLS AND RESOLUTIONS.

By Senator Townsend:

A bill to be entitled an act to amend Title 4, Article 17 the revised civil statutes of the State of Texas apportioning the State into Judicial districts and to add thereto Article —.

Read first time and referred to committee on Judicial Districts.

On motion of Senator Sims the Journal of Saturday was corrected to show the word "whole" instead of "volare" in his reasons for voting for the substitute resolution by Senator Searcy.

On motion of Senator Potter the Journal was corrected by changing the word "submitted" to "substituted" second column, page 4, of the Journal. On the final passage of the resolution.

On motion of Senator Kearby the Journal was corrected so that his reason for voting "no" shall apply to the final vote on the substitute for the House resolution.

ORDER OF BUSINESS.

Senate bill No 3, entitled, "An act to define the Nineteenth Judicial District of the State of Texas and define the times of holding court therein.